

BILL PURCELL  
MAYOR



## METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

### DEPARTMENT OF CODES ADMINISTRATION

METRO HOWARD BUILDING  
700 SECOND AVENUE, SOUTH  
NASHVILLE, TENNESSEE 37210  
TELEPHONE (615) 862-6500  
FACSIMILE (615) 862-6514  
[www.nashville.gov/codes](http://www.nashville.gov/codes)

September 2, 2004

Members of the Board of Zoning Appeals  
700 2nd Avenue South  
Nashville, TN 37201

RE: Appeal Case #2004-156  
639 Lafayette Street Map: 93-14 Parcel: 294

Members of the Board:

This is an appeal from my decision to issue Permit 2004-06458A for the establishment of an "Adult Entertainment Business" on the referenced property. This permit was issued by right on July 21, 2004. The property according to our records met the requirements for this type of business at the time of issuance.

After the issuance of this permit, we were contacted by the Nashville Union Rescue Mission. They were of the opinion that they were a church and that we were in error by issuing a permit for an adult entertainment business at this location. Permit 2000-2355A was issued on March 20, 2000 to Nashville Union Rescue Mission to convert the building to the primary activity of "Dormitory". Since the issuance of this permit, there had never been a request for a permit as a "Religious Institution" until July 28, 2004 at the Mission location.

Our position is very simply, we can not enforce a law where there are no permits to outline the use of a property or where it is not readily apparent what the use of a permit is. It is our position that the permit for the adult entertainment business was lawfully issued, based on the records at hand and that there were no permits to lawfully establish a church on the applicant's property until after the permit for the adult business was issued.

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On August 30, 2004, an appeal was filed appealing the decision of the zoning administrator to issue the permit for a church. This appeal was filed by the property owner, Shelby Smith, and will be scheduled for your meeting of October 7, 2004.

For these reasons, I issued the permit for adult entertainment.

Sincerely,

A handwritten signature in cursive script that reads "Lon F. West". The signature is fluid and includes a long horizontal flourish extending to the right.

Lon F. West  
Metropolitan Zoning Administrator

LFW:ljb